

JOE WARDY  
MAYOR  
  
JOYCE WILSON  
CITY MANAGER



## CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

PRESI ORTEGA, JR.  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
FEBRUARY 8, 2005  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Presi Ortega, Jr., Paul J. Escobar, Vivian Rojas, and Anthony W. Cobos. Absent: None. Meeting was called to order at 9:07 a.m. and the invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

### MAYOR'S PROCLAMATIONS

- 1) *Golden Gloves Association Week*
- 2) *National LULAC Week*

**NO ACTION WAS TAKEN** on the presentation of the Empowerment Zone Annual Report.

[Phyllis Rawley, El Paso Empowerment Zone]

Ms. Phyllis Rawley, El Paso Empowerment Zone, gave a Power Point presentation and answered questions from and responded to comments made by Council Members (presentation on file in the City Clerk's Office).

Mayor Wardy and Representatives Cook, Austin, Rojas, Cobos and Lozano commented.

Mr. Scott Lynch, Program Director for the El Paso Empowerment Zone, commented.

**NO ACTION WAS TAKEN** on the discussion and action regarding the \$16.00 charge from Solid Waste Management for picking up trash/debris left by unknown parties in the alley behind my property located at 3826 Tularosa. [Maria Herrera]

Ms. Maria Herrera, citizen, spoke in Spanish, Ms. Diana Nuñez, Deputy City Clerk, interpreted.

Mayor Joe Wardy and Representatives Cobos, Cushing, Lozano, Austin, and Rojas commented.

The following City staff members commented:

1. Ms. Ellen Smyth, Director of Solid Waste Management
2. Ms. Joyce Wilson, City Manager

Ms. Elvia Camarillo, citizen, spoke in Spanish, Ms. Diana Nuñez, Deputy City Clerk, interpreted.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **RECESS** the City Council Meeting to discuss the Mass Transit Board Meeting at 10:02 a.m.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to **RECONVENE** the City Council Meeting from the Mass Transit Board Meeting at 10:05 a.m.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Representative Lozano was not present for the vote.

\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **APPROVE** the **MINUTES** for the Regular City Council Meeting of February 1, 2005 and Special City Council Meeting of January 28, 2005 (Park Fees).

Representative Lozano was not present for the vote.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor") and Morven Partner L.P. ("Assignor") and Harvest Manor Farms LLC (Assignee") for the property described as a portion of Lot 4 and a portion of Lot 5, Block 8, Butterfield Trail Industrial Park Unit One, Replat "A", City of El Paso, El Paso County, Texas, and municipally known and numbered as #8 Zane Grey, El Paso, Texas.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ROZANNA M. MENDOZA**, to assist the City Manager as an Executive Assistant to the City Manager, at a biweekly rate of \$2,461.54, for 40 hours per week. The term of the contract shall be for the period of March 7, 2005 through March 6, 2006. This Contract is subject to the concurrence of the Civil Service Commission.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00, Grant Note - \$825.00, Loan Note - \$9,175.00), against the following described real property:

Lot 1, Block 38A, EASTWOOD (UNIT 7), an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 26, Page 28, Plat records of El Paso County, Texas, known as 1600 Sumac

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FIVE THOUSAND SIX HUNDRED FIFTY AND NO/100 DOLLARS (\$5,650.00, Grant Note - \$948.00, Loan Note - \$4,702.00), against the following described real property:

Lot 10, Block 4, COLONIA MARGARITA, an addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 35, Page 10, Plat records of El Paso County, Texas, known as 8945 Mellon

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TWELVE THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$12,250.00, Grant Note - \$10,250.00, Loan Note - \$2,000.00), against the following described real property:

The South 61.55 feet of Lots 15 and 16, Block 2, EAST EL PASO ADDITION, an addition to the City of El Paso, El Paso County, Texas, known as 3029 1/2 Rivera

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Eighty Four and 95/100 Dollars (\$84.95).

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SIX THOUSAND EIGHT HUNDRED FIFTY AND NO/100 DOLLARS (\$6,850.00, Grant Note - \$4,850.00, Loan Note - \$2,000.00), against the following described real property:

Lot 20, Block 1, MONTE-CITO, ADDITION FIRST SUPPLEMENTAL MAP, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 7, Page 10, Plat Records of El Paso County, Texas, known as 7839 Montecito

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of One Hundred Forty and 47/100 Dollars (\$140.47).

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of NINE THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$9,750.00, Grant Note – \$5,750.00, Loan Note - \$4,000.00), against the following described real property:

Lot 7 and the West 1/2 feet of Lot 8, Block 85, EAST EL PASO  
ADDITION, an addition to the City of El Paso, El Paso County,  
Texas, known as 3309 East Yandell

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of One Hundred Thirty Three and 38/100 Dollars (\$133.38).

.....  
Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to  
**MOVE TO THE REGULAR AGENDA** the following Resolution and discussed with:

Representative Lozano was not present for the vote.

Discussion and action to surface-paint the designated Glengarry Street Parking on both sides of Glengarry between McRae and Darlina for the purpose of providing this as a traffic calming device, and to direct the City Manager to instruct the appropriate City departments to commence this project within the next 30 days.

**RESOLUTION**

**WHEREAS**, the El Paso City Council desires to address speeding traffic on local streets, and

**WHEREAS**, on October 29, 2002, the City Council authorized the Engineering, Police and Streets Departments to establish and implement appropriate procedures for the placement of speed humps on the City's streets under general guidelines attached to the resolution, to the extent that funding is made available for the installation costs, and

**WHEREAS**, the goal is to create an improved environment within neighborhoods that promotes safety for both the driver and neighborhood residents, and

**WHEREAS**, the City Council desires to implement a program that will focus on a neighborhood as a whole, not just one street or intersection,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Engineering Department be authorized to establish and implement appropriate traffic management programs on City streets under the guidelines contained in the "Guidelines for the Implementation of a Neighborhood Traffic Management Program", attached as Exhibit "A", and

That the authorization to establish and implement appropriate procedures for the placement of speed humps on the City's streets under general guidelines approved by City Council on Oct. 29, 2002, is hereby rescinded. (Exhibit on file in the City Clerk's office)

Mr. Stuart Mitchell, President of Mountain Arroyos Neighborhood Association, spoke in favor of the Guidelines for the Implementation of a Neighborhood Traffic Management Program and complimented City staff.

See page 13 for additional discussion.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to **APPROVE** the above Resolution.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Architectural Services between the **CITY OF EL PASO** and **MCCORMICK ARCHITECTURE, L.L.C.**, a partnership registered in the state of Texas, for a project known as **"Ruby Coates Park"** for an amount not to exceed EIGHTY-SIX THOUSAND ONE HUNDRED FORTY-ONE and NO/100 DOLLARS (\$86,141.00).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Architectural Services between the **City of El Paso** and **RON BROWN ARCHITECTS**, a Sole Proprietorship, for a project known as **"Henderson Health Center ADA Upgrade"** for an amount not to exceed TWELVE THOUSAND and NO/100 DOLLARS (\$12,000.00).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Architectural Services between the **CITY OF EL PASO** and **ASA ARCHITECTS STUDIO** for a project known as **"Fire Station No. 35"** for an amount not to exceed ONE HUNDRED SIXTEEN THOUSAND FOUR HUNDRED SIXTEEN AND NO/100 DOLLARS (\$116,416.00). This item will be funded by 2004 Bond Issue Project funds. The item has been funded.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a First Amendment to an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **PARKHILL, SMITH & COOPER**, for a project known as **"CLINT LANDFILL PHASE I – CELLS 3, 4, 5 & 6"** in an amount not to exceed SEVENTY THOUSAND NINE HUNDRED SIXTY-THREE and NO/100 DOLLARS (\$70,963.00).

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Engineering Services between the **CITY OF EL PASO** and **CEA ENGINEERING GROUP**, for a project known as **"Teakwood Road and Sequoia Court Street and Drainage Improvements"** for an amount not to exceed SEVENTY-FIVE THOUSAND TWENTY-EIGHT AND 13/100 DOLLARS (\$75,028.13).

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Second Amendment to Agreement for Architectural Services between the **CITY OF EL PASO** and **AGUILAR & MESTA, INC., D/B/A PERSPECTIVA**, for a project known as "**Lower Valley Branch Library**" for an amount not to exceed **TWENTY-ONE THOUSAND SIX HUNDRED and NO/100 DOLLARS (\$21,600.00)**.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **Building Permits & Inspections Assistant Director** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **5824**. The Grade is **EX E**.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign that certain License Agreement for Physicians Healthcare Associates by and between the City of El Paso ("**City**") and Physicians Healthcare Associates ("**PHA**"), whereby PHA shall provide nurse practitioners and/or licensed physician assistants to staff and operate health care clinics, located on City property, that provide healthcare related services for qualified uniform and non-uniform City employees and their families.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a First Amendment to an Agreement for Architectural Services between the **CITY OF EL PASO** and **ARTCHITECTURE I, LP d/b/a ARTCHITECTURE**, for a project known as "**New Marty Robbins Recreation Center and Pool Improvements**" for an amount not to exceed **FIVE THOUSAND FIVE HUNDRED FIFTY and NO/100 DOLLARS (\$5,550.00)**.

\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **DELETE** the notice to set a public hearing to be held on March 15<sup>th</sup>, 2005 to determine if the property located at 1017 Mundy Drive AKA 1019 Mundy Drive in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated October 31<sup>st</sup>, 2001. The owner of record as of December 27<sup>th</sup>, 2004, David Frias, Jr., Administrator of the Estate of David C. Frias, owner, 1509 Mundy Drive, El Paso, Texas 79902, has been notified of the violations at this property.

Representative Lozano was not present for the vote.

\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **APPROVE** the Staffing Table Change for **CITY MANAGER**

Add 1.00 Executive Assistant - City Manager C  
Fund Source: 01101-15010704-501000-15000

Representative Lozano was not present for the vote.

Delete	2.00	Equipment Operator III	GS 17
Fund Source:	32000-32010200-01101-32000		

Delete	1.00	Equipment Operator III	GS 17
Fund Source:	32000-32010160-01101-32000		

Add	3.00	Street Operations Assistant	GS 19
Fund Source:	32000-32010200-01101-32000		

\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **APPOINT** Guillermo Glenn to the Workforce Retraining Advisory Committee by Representative Jose Alexandro Lozano, District 3.

\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **APPOINT** Cora Ramirez to the Retired & Senior Volunteer Program Advisory Council by Representative Paul J. Escobar, District 6.

\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **APPOINT** Irma Montoya to the Workforce Retraining Advisory Committee by Representative Vivian Rojas, District 7.

\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **AUTHORIZE** to disburse \$2,000 from District VII Discretionary funds to the "Dia de los Niños, Dia de los Libros" annual event to be held April 30, 2005. Dept ID#01153010, Acct#504420, Fund #16507

\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-003 4 Person Rescue Pumper (Rebid)

Award to:	F&F Supply Company, Inc. Big Lake, Texas
Item (s):	1A-2 4 Person Rescue Pumper @ Base Price of \$400,453.30
Deleted Options:	All options will not be awarded
Amount:	\$400,453.30
Fire Station:	Downtown, Station 11
Department:	El Paso Fire Department
Funds available:	04250203-508029-27251-PMB0003130
Funding source:	FY2002 Capital Equipment
Total award:	\$400,453.30

The Fire and Purchasing Departments recommend award as indicated as this vendor has provided the Best Value Bid. This vendor is also the low responsible and responsive bidder.

This is a fixed-price, single (one-time) purchase, to purchase one (1) 4 Person Rescue Pumper. There are options from the vendor to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90), one-hundred and eighty (180), and three hundred and sixty-five (365) days, from the date of award of the contract. No prompt payment discount is offered.

Representative Lozano was not present for the vote.

NOTE: Amount on the request was revised from \$400,000.00 to \$400,453.30.

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\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to  
**AWARD** Best Value Procurement Solicitation No. 2005-039 Maintenance of Overhead Doors at Various Fire Stations & Other City Facilities

Award to: Sun City Garage Doors Inc.  
El Paso, TX  
Item (s): All  
Amount: \$75,000.00  
  
Department: Fleet Services-Building Maintenance  
Funds available: 31010325-01101-502226  
Funding source: Operating Account, Building/Facilities Maintenance Center  
Total award: \$150,000.00

Fleet Services, Building Maintenance and Purchasing recommend awards as indicated as this vendor is the lowest responsive bidder and offers the Best Value meeting specifications.

This is a twenty-four (24) month contract with the bidder offering the option to extend the term of this contract for one additional year.

Representative Lozano was not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to  
**AWARD** Best Value Procurement Solicitation No. 2005-049 UPS Batteries & Installation

Award to: Nationwide Power Corporation  
Lakewood, CA  
Item (s): All  
Amount: \$18,950.00 (estimated yearly)  
  
Department: Fleet Services-Building Maintenance  
Funds available: 31010325-01101-502226  
Funding source: Operating Account, Building/Facilities Maintenance Center  
Total award: \$37,900.00 (estimated)

Fleet Services, Building Maintenance and Purchasing recommend awards as indicated as this vendor is the lowest responsive bidder and offers the Best Value meeting specifications.

This is a twelve (12) month contract with the bidder offering the option to extend the term of this contract for one additional year.

Representative Lozano was not present for the vote.



\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to  
**AWARD** Best Value Procurement Solicitation No. 2005-052 Mobile Two-Way Portable Radios

Award to: Key Communications, Inc.  
El Paso, TX  
Item (s): All  
Amount: \$49,983.00  
  
Department: Parks & Recreation  
Funds available: 04200401-29201-508035  
Funding source: Capital Acquisitions FY04, Communication Equipment, Parks  
Total award: \$49,983.00

Parks & Recreation, Communications, and Purchasing recommend award as indicated, Key Communications Inc., provided the lowest cost and meets the Best Value Criteria and specifications.

This is a one (1) time purchase with the option to purchase 100% of the original quantities for two (2) years, Key Communications, Inc. offers a 2% 10 Days Prompt Payment Discount.

The City of El Paso, Parks & Recreation Department will exercise the option to purchase additional Mobile Radios (47) at the current price. Cost included in Total amount.

Representative Lozano was not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cobos and unanimously carried to  
**AWARD** Request For Proposal Solicitation No. 2005-084R Building Space Rental-San Elizario WIC Clinic

Award to: Carlos Martinez  
El Paso, TX  
Item (s): All  
Amount: \$59,731.20 (3 years)  
  
Department: City-County Health Environmental Health District  
Funds available: 41150011-05530-502400 Project G4105WCADMN  
Funding source: Health Administration (05), Building Leases, TDH WIC  
Total award: \$169,401.60 (9 years)

City-County Health and Purchasing recommend award as indicated, Carlos Martinez submitted the only proposal and their proposal meets the specifications.

Additional, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the City Manager and/or Mayor be authorized to execute any related contract documents and agreements necessary during the contract.

This is a three-year contract, with the option to renew, an additional two (2), three (3) year periods.

Representative Lozano was not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **POSTPONE ONE (1) WEEK** Bid Solicitation No. 2005-059 Zoo Housing Demolition

Contractor:	Robles and Sons, Inc. Cibolo, Texas
Department:	Zoo
Funds Available:	14101003-PQLZO103-60303-508027
Funding Source:	2000 Quality of Life Bond
Items:	Base Bid \$49,725.00
Total Award:	\$49,725.00

**RECOMMENDATION:**

The Zoo and Perspectiva +3D/I, Project Manager, recommend the award of this contract to Robles and Sons, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representative Lozano was not present for the vote.

\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **DELETE** Bid Solicitation No. 2005-063 Proprietary Parts & Service-Carrier HVAC Systems

Award to:	Carrier Commercial Service El Paso, Texas
Item (s):	Part A & Part B
Amount:	\$50,000.00 (estimated annually)
Department:	Building Maintenance
Funds available:	31010326-503200-01101
Funding source:	Building Maintenance General Operating Funds
Total award:	\$150,000.00 (estimated)

The Building Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City a prompt payment discount of 1.25% 10 days.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

Representative Lozano was not present for the vote.

\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to  
**AWARD** Bid Solicitation No. 2005-066 Proprietary Parts & Service-York HVAC Systems

Award to: York International Corporation  
Albuquerque, New Mexico  
Item (s): Part A & Part B  
Amount: \$50,000.00 (estimated annually)  
  
Department: Building Maintenance  
Funds available: 31010326-503200-01101  
Funding source: Building Maintenance General Operating Funds  
Total award: \$150,000.00

The Building Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City a prompt payment discount of 1.25% 10 days.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

Representative Lozano was not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to  
**AWARD** Bid Solicitation No. 2005-067 Proprietary Parts & Service-Plymovent Vehicle Exhaust Extraction Systems

Award to: Air Cleaning Technologies, Inc.  
Broken Arrow, Oklahoma  
Item (s): Part I & Part II  
Amount: \$50,000.00 (estimated annually)  
  
Department: Building Maintenance  
Funds available: 31010326-503200-01101  
Funding source: Building Maintenance General Operating Funds  
Total award: \$150,000.00 (estimated)

The Building Maintenance and Purchasing Departments recommend award as indicated to the sole responsive offer, the bid does meet specifications, and is from a responsible party.

No options offered.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

Representative Lozano was not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to  
**APPROVE** budget transfer BT2005-528 FINANCIAL SERVICES

Set up appropriation for a contract executive assistant in the City Manager's Department.

Decrease	\$40,931.00	from	10010274/01101	Personal Svcs
Increase	\$40,931.00	to	15010704/01101	Personal Svcs

Representative Lozano was not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **APPROVE** budget transfer BT2005-554 HEALTH

To establish Estimated Revenues and Appropriations to enable Health District to expend the Donations received and deposited.

Increase	\$14,083.55	to	41150004/G41011907269/405060	Donations
Increase	\$ 240.00	to	41150004/G41011907269/504001	Long Distance
Increase	\$ 320.00	to	41150004/G41011907269/503100	Office Sup
Increase	\$ 2,277.13	to	41150004/G41011907269/504201	Travel
Increase	\$ 510.00	to	41150004/G41011907269/502302	Print Shop
Increase	\$ 500.00	to	41150004/G41011907269/503101	MinOfficeSup
Increase	\$ 5,000.00	to	41150004/G41011907269/508012	Med/ScienEq
Increase	\$ 3,505.90	to	41150004/G41011907269/502215	OutsideCnt
Increase	\$ 420.00	to	41150004/G41011907269/504000	Comm/Phone
Increase	\$ 100.00	to	41150004/G41011907269/504003	Postage
Increase	\$ 810.52	to	41150004/G41011907269/504412	SemConEd
Increase	\$ 400.00	to	41150004/G41011907269/504203	Mileage

Representative Lozano was not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **APPROVE** budget transfer BT2005-556 PARKS & RECREATION

This budget transfer requests a new appropriation for the Wellington Chew Senior Center to construct a driveway to the stage area. This will prevent damage to the irrigation pipes and turf.

Increase	\$5,000	to	51510214/P50022316323/407002	Est Rev
Increase	\$5,000	to	51510214/P50022316323/508003	Bldg Imprvmts

Representative Lozano was not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **APPROVE** the request of Carmen Rodriguez to use amplification (1 mobile P.A. system, 1 microphone, and 2 speakers) at San Jacinto Plaza on February 9, 2005 from 12:00 p.m. to 1:00 p.m. for a political rally. Approximately 5 persons will take part and 100 spectators are anticipated. PERMIT NO. 05-005  
[Carmen Rodriguez]

Representative Lozano was not present for the vote.

.....  
Motion made by Representative Ortega, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Lozano was not present for the vote.

- A.** An Ordinance authorizing the Mayor to sign a contract of sale and any other necessary documents between the City of El Paso and Western Refining Company, L. P. for property legally described as Collingsworth Survey 14, tracts 1-A, 1-C, and 1-E and portion of tracts 1-B and 1-G, El Paso, El Paso County, Texas including the improvements thereon, also known as the Clark Facility.
- B.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times on Certain Streets) To Add a New Location On Burgundy Drive Between Verdun Way and a Point 1,200 Feet North of Escobar Drive, Both Sides. The Penalty Being As Provided In Section 12.84.010 of The El Paso Municipal Code.

- C. An Ordinance amending Title 19 (Subdivisions) of the El Paso Municipal Code, by amending Sections 19.28.010 (Construction of Subdivision Improvements) to modify language concerning extension requests, and by amending 19.28.020 (Guarantees) to modify language regarding required security ensuring completion of subdivision improvements when requesting extensions to complete same.
- D. An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by adding golf driving range as a use permitted by special permit in Chapters 20.12 (R-1, R-2, R-2A, R-3 and R-3A Residential Districts), 20.14 (R-4 and R-5 Residential Districts), 20.20 (A-1 Apartment District), 20.22 (A-2 Apartment District), 20.24 (A-3 Apartment District), 20.28 (A-O Apartment/Office District), 20.30 (A-3/O Apartment/Office High Density District), and 20.32 (A-M Apartment and Mobile Home Park District), and amending Chapter 20.02 (General Provisions and Definitions) to add a definition for golf driving range. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code.
- E. An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by adding golf driving range as a permitted use in Chapters 20.36 (C-1 Commercial Districts) and 20.38 (C-2 Commercial Districts), and amending Chapter 20.02 (General Provisions and Definitions) to add a definition for golf driving range. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code.
- F. An ordinance amending ordinance No. 013980, as amended by ordinances 014787 and 015374, which granted a Special Privilege to Keller & Azar Joint Venture, Inc. (Owner), and Boeing North American, Inc. (Lessee), to permit the temporary use of a portion of Threadgill Avenue for security purposes, by extending the term through March 17, 2010 and by authorizing an assignment and transfer from Keller & Azar Joint Venture, Inc. (Owners) to Wes Uhlman & Associates, Inc./Mallard El Paso Limited Partnership (Owners) and from Boeing North American, Inc. (Lessee) to The Boeing Company (Lessee). (Fee: \$19,500.00, SP98143c)
- G. An Ordinance vacating the City's interest in two parcels of property, each .03 acres in size, one located within Lot 4, Block 218, Campbell Addition, the other located within Lot 16, Block 218, Campbell Addition, both within the City of El Paso, El Paso County, Texas.

**PUBLIC HEARING WILL BE HELD ON FEBRUARY 22, 2005 FOR ITEMS A – G**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....  
 Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to **APPROVE** to surface-paint the designated Glengarry Street Parking on both sides of Glengarry between McRae and Darlina for the purpose of providing this as a traffic calming device, and to **DIRECT** the City Manager to instruct the appropriate City departments to commence this project within the next 30 days.

Mayor Joe Wardy and Representatives Lozano, Cook, Cushing, Austin, Rojas, and Cobos commented.

The following City staff members commented:

1. Mr. Rick Connor, City Engineer, discussed the proposed Traffic Management flow chart (on file in the City Clerk's office);
2. Ms. Joyce Wilson, City Manager.



**THAT**, the Mayor be authorized to execute budget transfers for this award and project as necessary;  
and

**THAT** the City Engineer is hereby authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order and 25% of the original contract price as awarded, without further authorization by City Council.

Mayor Joe Wardy and Representatives Cushing, Austin, Rojas, and Cobos commented.

The following City staff members commented:

1. Mr. Byron Johnson, Director of Purchasing
2. Ms. Joyce Wilson, City Manager
3. Mr. Richard Garcia, Parks and Recreation Operations Manager

Motion made by Representative Rojas, seconded by Representative Cook and unanimously carried to **APPROVE** the above Resolution.

Representative Escobar was not present for the vote.

.....  
**ORDINANCE 15996**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), BY CREATING CHAPTER 18.18 (OUTDOOR LIGHTING ORDINANCE), OF THE EL PASO CITY CODE, THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.**

Mayor Joe Wardy and Representatives Cook, Austin, Lozano, Cobos, Ortega, Cushing, and Rojas commented.

The following City staff members commented:

1. Mr. Alan Shubert, Director of Building Permits and Inspections, gave a Powerpoint presentation and provided background information pertaining to the Ordinance (on file in the City Clerk's Office)
2. Ms. Joyce Wilson, City Manager
3. Ms. Patricia Adatao, Deputy City Manager for Building and Planning Services
4. Mr. Matt Watson, Assistant City Attorney

The following members of the public spoke in favor of the Ordinance:

1. Mr. John Peterson, Upper Mesa Hills Neighborhood Association, gave a Powerpoint presentation.
2. Ms. Linda Krasowski, citizen, read into the record a letter written by Mr. David L. Lambert, Director, W.J. McDonald Observatory (on file in the City Clerk's office)
3. Mr. Stuart Mitchell, President, Mountain Arroyos Neighborhood Association
4. Mr. Alberto Rivas, representing Grassroots El Paso
5. Mr. Cory Stone, President, El Paso Astronomy Club
6. Mr. Bryan R. Morris, P.E., registered electrical engineer and business owner
7. Mr. Conrad Conde, representing BZAC (Building and Zoning Advisory Committee)

**1<sup>st</sup> Motion:**

Motion made by Representative Cook, seconded by Representative Austin and carried to **AMEND** the date on Article X-Other Exemptions, 18.18.310, Noncomformance, A. and E., as follows, read into the record by Representative Cook:

A. Bottom-mounted or unshielded on-premise or off-premise sign lighting shall be brought into compliance with the shielding standards of 18.18.070 no later than May 7, 2015.

E. All existing outdoor light fixtures shall be brought into compliance with the shielding standards of 18.18.070, no later than May 7, 2015. Compliance with lumens cap is not mandatory but encouraged.

AYES: Representatives Austin, Cook, Ortega, Escobar and Rojas

NAYS: Representatives Cushing, Lozano and Cobos

**2<sup>nd</sup> Motion:**

Motion made by Representative Cook, seconded by Representative Austin and carried to **AMEND** Article XII – Section 18.18.420, Effective Date, A., as follows, read into the record by Representative Cook:

A. The effective date of this ordinance shall be May 7, 2005.

AYES: Representatives Austin, Cook, Ortega, Escobar and Rojas

NAYS: Representatives Cushing, Lozano and Cobos

**3<sup>rd</sup> Motion:**

Motion made by Representative Cook, seconded by Representative Ortega and carried to **REVISE** Section 18.18.020. – Compliance, read into the record by Alan Shubert, Building Permits and Inspections Director:

Change “illuminating devices” to “luminaries”.

AYES: Representatives Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: Representative Lozano

**4<sup>th</sup> Motion:**

Motion made by Representative Cook, seconded by Representative Ortega and carried to **AMEND** Section 18.18.030. – New Buildings and Additions to Existing Facilities, read into the record by Alan Shubert, Building Permits and Inspections Director:

Change “all outdoor lighting fixtures” to “all new outdoor lighting fixtures”

AYES: Representatives Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: Representative Lozano

**5<sup>TH</sup> Motion:**

Motion made by Representative Cook, seconded by Representative Ortega and carried to **AMEND** Section 18.18.130. - Internally Illuminated Sign and Neon Sign Standards, B, read into the record by Alan Shubert, Building Permits and Inspections Director:

Strike “and shall conform to the lumens cap of Section 18.18.080 . . .”

AYES: Representatives Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: Representative Lozano



**6<sup>th</sup> Motion:**

Motion made by Representative Cook, seconded by Representative Ortega and carried to **AMEND** Section 18.18.140., third sentence of the paragraph, read into the record by Alan Shubert, Building Permits and Inspections Director:

Changed to read as: "Internally illuminated signs, installed legally before the effective date of this ordinance, may continue to be used and illuminated but must conform to the curfews as indicated."

AYES: Representatives Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: Representative Lozano

**7<sup>th</sup> Motion:**

Motion made by Representative Cook, seconded by Representative Ortega and carried to **AMEND** Section 18.18.190. – Submission Contents, read into the record by Alan Shubert, Building Permits and Inspections Director:

Changed to read as: "Even if no other such permit is required, the installation or modification (except for routine servicing and same-type lamp replacement) of any exterior lighting shall require submission of the information described below."

AYES: Representatives Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: Representative Lozano

**8<sup>th</sup> Motion:**

Motion made by Representative Cook, seconded by Representative Ortega and carried to **AMEND** Section 18.18.270. – Existing Lighting Causing Light Trespass Onto Residential Property, C, read into the record by Alan Shubert, Building Permits and Inspections Director:

Change "0.25 HFC" to "0.25 footcandles"

AYES: Representatives Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: Representative Lozano

**9<sup>th</sup> Motion:**

Motion made by Representative Cook, seconded Representative Ortega and carried to **ADD** SRR (Special Residential Revitalization District) to Lighting Zone E2, as read into the record by Mr. Matt Watson, Assistant City Attorney:

AYES: Representatives Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: Representative Lozano

**10<sup>th</sup> Motion:**

Motion made by Representative Cook, seconded by Representative Ortega and carried to **ADD** Q (Quarry) and UP (Union Plaza) to Lighting Zone E4, as read into the record by Mr. Matt Watson, Assistant City Attorney:

AYES: Representatives Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: Representative Lozano

The City Clerk called for further public comment. There was no further public comment.

**11<sup>th</sup> and Final Motion:**

Motion duly made by Representative Cook, seconded by Representative Austin, that the Ordinance be **ADOPTED AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: Council Member Lozano Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED AS AMENDED**.

.....  
\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **DELETE** the discussion and action on a Resolution authorizing the Mayor to sign an amendment to a zoning contract between the City of El Paso and Richard L. Moore and A. Elizabeth Moore amending the zoning contract dated September 16, 1969 and as imposed by Ordinance No. 4271 to delete a condition for the property described as Lots 1 and 24, Alta Mira Addition, El Paso, El Paso County, Texas. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Willis E. Maxell. ZON04-00145.

Representative Lozano was not present for the vote.

.....  
\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action on a Resolution authorizing the Mayor to sign an amendment to a zoning contract between the City of El Paso and Richard L. Moore and A. Elizabeth Moore amending the zoning contract dated September 16, 1969 and as imposed by Ordinance No. 4271 to delete a condition for the property described as Lot 1, Block 1, Alta Mira Addition, El Paso, El Paso County, Texas. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Willis E. Maxell. ZON04-00145.

Representative Lozano was not present for the vote.

.....  
\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **POSTPONE ONE (1) WEEK** an Ordinance changing the zoning of Lots 1 and 24, Block 1, Alta Mira Addition, El Paso, El Paso County, Texas, from A-O/sc (Apartment/Office/special contract) and R-4 (Residential) to C-1/sc (Commercial/special contract) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Willis E & Arlette Maxell. ZON04-00142.

Representative Lozano was not present for the vote.

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**ORDINANCE 15997**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NUMBERS 009918, 010482, 010544, 011098, 011779, 012468, 013481 AND 015805 WHICH ESTABLISHED AND AMENDED THE ANDY AND SYD COHEN STADIUM LEASE BETWEEN THE CITY OF EL PASO AND THE EL PASO DIABLOS, INC., WHICH WAS SUBSEQUENTLY ASSIGNED TO EL PASO BASEBALL CLUB, LLC, A LIMITED LIABILITY COMPANY WHICH HAS BEEN CONVERTED TO A TEXAS LIMITED PARTNERSHIP UNDER THE NAME EL PASO BASEBALL CLUB, LP, TO REVISE THE OBLIGATION TO PAY RENT AS SET FORTH IN SAID LEASE; TO APPROVE THE ASSIGNMENT OF LESSEE'S INTEREST TO EL PASO PROFESSIONAL BASEBALL, LP; ADD TWO OPTION PERIODS; DELETE REPORTING REQUIREMENTS, AND REMOVE RENTAL RATES CHARGED FOR OUTSIDE EVENTS BE APPROVED BY CITY COUNCIL.**

Mayor Joe Wardy and Representatives Ortega and Escobar commented.

The following City staff members commented:

1. Ms. Carmen Arrieta-Candelaria, Comptroller
2. Ms. Sylvia Borunda-Firth, Assistant City Attorney

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Escobar, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....  
\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **POSTPONE ONE (1) WEEK** the following Executive Session item:

Discussion and action regarding the condemnation of certain property to acquire an easement to permit crossing over a water conveyance channel on or near Tracts 1F and 1J, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas. (551.071 & 551.072)

Representative Lozano was not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **POSTPONE ONE (1) WEEK** the following Executive Session item:

Discussion and action regarding the condemnation of certain property to acquire an easement to permit crossing over a water conveyance channel on or near Tract 3B, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas. (551.071 & 551.072)

Representative Lozano was not present for the vote.

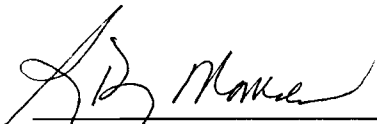
.....  
\*Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **DELETE** following Executive Session item:

*Bashar Abugalyon vs. City of El Paso*, Cause No. EP-03-CA-0515-FM in the United States District Court for the Western District of Texas (551.071)

Representative Lozano was not present for the vote.

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Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to **ADJOURN** this meeting at 12:57 p.m.

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**APPROVED AS TO CONTENT:**

  
Richarda Duffy Momsen, City Clerk